1942. **K** **File No.** 0 Explosive/42

Legal Dept.

A **BRANCH** p 2(E)

Subject:— Opinions under the Indian Explosive Act 1884

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C O N T E N T S.

Legal Department File No.O. Explosives/42.

Sr.No.	R.I./O.No.	Subject.	Pages.
		Opinions under the Indian Explosives Act,1884.	
1	O.No.470-Confl./ 23-10-42.	Whether explosives imported on behalf of the U.S.A. for the use of American Forces in India can be treated as exempt under section 14(a) of the Indian Explosives Act, 1884.	3-4.

RHB.
11.7.

Office of the R.L.A.

It appears from the letter of the Collector of Customs, Bombay, that arms, ammunitions and military stores were imported from the United States of America on behalf of the Government of United States of America ~~as~~ for the use of American forces in India, and the Collector has inquired whether there are any Government orders exempting such arms, ammunition and military stores ~~from~~ from the import license under the Indian Arms Act. In exercise of the powers conferred by clause (a) of section 27 of the Indian Arms Act, 1878 the Central Government has directed that the arms and ammunition imported under the orders of the Government of the United States of America for the use of their forces in India should be excluded from the operation of all prohibitions and directions contained in the said Act. (Government of India, Home Department Notification No.21/5/42 (Police (c)), dated the 5th October 1942). Consequently the point raised by the Collector of Customs, Bombay, does not survive.

2. It appears that the Collector of Customs did not raise any question about the import of explosives into India by the Government of the United States of America for the use of their Forces in India. The P. and S.D. has however raised the question whether the explosive materials imported on behalf of the United States Government for the use of the American Forces in India can be treated as exempt under section 14(a) of the Indian Explosives Act, 1884.

3. Clause (a) of section 14 of the Indian Explosives Act, 1884 provides that nothing in this Act shall apply to the manufacture, possession, use, sale, transport or importation of any explosive by order of any Government ~~of~~ in British India. The Government of the United States of America is not a Government in British India. Consequently the importation of explosives into India by the Government of the United States of America would not be saved by clause (a) of section 14.

Id/- P.H.L. 22/10.

PHB-11-7. H.B. to P.& S.D.No.47(Confl., dated the 23rd October 1942